

Applicants respectfully submit that the examiner has misinterpreted the claimed invention. The examiner asserts that the inventions of Groups I and IV can be used in a telemetry method outside the body as opposed to the invention of Group II, which requires transmission with an internal device.

Applicants respectfully submit that the inventions of Groups I and IV are used primarily inside the body. For example, claim 1 states “a system for transmission of power and for information between a first location *external* of a living body and a second position *internal* of the living body which comprises....” (Emphasis added.) Further, claim 23 states that it is directed to an artificial muscle stimulation system. Because the claimed invention is directed to muscle stimulation, applicants respectfully submit that the claimed invention is used primarily inside the body.

Applicants also respectfully submit that the invention of Group V cannot be implemented without the transmittal of signals. Claim 24 states: “A method for implementing an artificial stimulation system which comprises an electromyogram recorder, an intelligent signal processor and an artificial stimulation controller capable of *transmitting* high frequency electromagnetic radiation between 0.5 to 5 GHz comprising the steps of....” (Emphasis added.)

Moreover, applicants respectfully submit that the restriction requirement is improper under the PCT unity of invention requirement. Applicants submit that Groups I to V share a special technical feature. The special technical feature shared by the claims is the use of high frequency electromagnetic radiation between 0.5 and 5 GHz. Therefore, Groups I to V should not be subject to a restriction requirement.

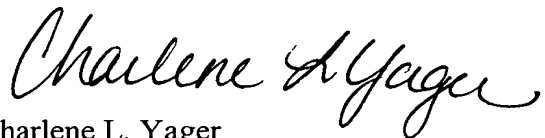
Finally, applicants respectfully submit that even if the Groups I to VI were directed to independent and distinct inventions, restriction would not be appropriate in this case. The Manual of Patent Examining Procedure ("MPEP") states that

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. MPEP §803.

Applicants respectfully submit that all claims of the present application could be examined together without placing any serious burden on the United States Patent and Trademark Office. The claims of Groups I to VI are so inextricably related to one another that, for the sake of efficiency, they should be examined in a single application. Given the close relationship between the claims of Groups I to VI, prosecution in the same application would be administratively efficient for the Patent Office.

Applicants respectfully submit that claims 1-25 are not directed to separate and distinct inventions and request reconsideration of the restriction requirement based on the above arguments.

Respectfully submitted,



Charlene L. Yager
Reg. No. 48,887

File No. 64194-9004

Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501